IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

FOREIGN ADOPTION PETITION NO.64 OF 2006
WITH JUDGE'S ORDER NO.215 OF 2006

Marilyn Kay Reid. ..Petitioner.

Ms. Lalita Jayaraj for the Petitioner.
Mr. O. Hariharan, representative of the ICSW present.
Ms. M. Kajle, AGP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 30/8/2006.

P.C.

1. Heard parties.

2. In view of the order passed by (S.C.Dharmadhikari,J.) on 9.8.2006, parties have made submissions on the right of single person to apply for adoption. It is submitted that such adoption is not prohibited by any law or judgment of any court. My attention is drawn to three orders passed by this court in Foreign Adoption Petition Nos.149/2005 dated 16.11.2005, 43/2005 dated 27.4.2005 and 145/2004 dated 16.10.2004, in which foreigners who are single are appointed as guardian with permission to adopt the child. My attention is also drawn to Section 8(a) of the Guardian and Wards Act which specifies the persons who are entitled to apply for an order under Section-7. The said section 8(a) is couched in wide terms and

provides that an order under Section-7 to appoint as guardian can be made on the application of a person who is desirous of being appointed or claiming to be guardian of the minor. Reference is also made to Rule 355 of the Bombay High Court (O.S.) Rules which provides for application by foreigner for appointment as guardian of person of minor. It does appear that there is no impediment in law for appointing single person as guardian of the minor. However, the further question raised is as to whether any special guide-lines are required to be given in cases where the application is by single foreigner. In this regard, borne in mind if the single foreigner is often a working person then care should be taken to ensure that child will be adequately taken care of during the time period when the said person goes to work. It is desirable to have affidavit of the parents of the close relatives/family members wherever available indicating that they are supporting the case of the person who seeks to be appointed as guardian and would also further support the adoption of the said child. As far as facts of the present case are concerned, the matter is being disposed of by separate Judges order.

(R. S. MOHITE, J.)

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